

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

REED ROGALA,

Defendant.

ORDER

08-cr-84-bbc

On October 1, 2012, defendant filed a notice of appeal of the court's August 24, 2012, order denying defendant's motion under Fed. R. Crim. P. 36 to revise the payment provisions set out in his judgment and commitment order. Although defendant does not include in his notice of appeal the court's orders of September 17 and September 24, 2012 denying defendant's two motions for reconsideration of the August 24, 2012, order, I will construe his notice of appeal as including those orders as well.

Defendant has not paid the \$455 fee for filing his notice of appeal. Therefore, I construe defendant's notice as including a request for leave to proceed in forma pauperis on appeal pursuant to 28 U.S.C. § 1915. According to 28 U.S.C. § 1915(a), a defendant who is found eligible for court-appointed counsel in the district court proceedings may proceed

on appeal in forma pauperis without further authorization “unless the district court shall certify that the appeal is not taken in good faith or shall find that the party is otherwise not entitled so to proceed. . . .” Defendant had retained counsel during the criminal proceedings against him but has provided the court with an affidavit of indigency that verifies he qualifies for indigent status on appeal, and I am not prepared to certify that his appeal is not taken in good faith. A reasonable person could find that the appeal has some merit. Therefore, I will grant him leave to proceed on appeal in forma pauperis.

ORDER

IT IS ORDERED that defendant Reed Rogala’s motion to proceed in forma pauperis on appeal is GRANTED.

Entered this 3d day of October, 2012.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge

